

Meeting of 2009-12-1 Regular Meeting

MINUTES

LAWTON CITY COUNCIL REGULAR MEETING
DECEMBER 1, 2009 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 Frank Jensen, City Attorney
 Traci Hushbeck, City Clerk
COL Ray Lacey, Fort Sill Liaison

Mayor Purcell called the meeting to order at 6:03 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Larry Fincher, Olivett Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
James Hanna, Ward Two
Janice Drewry, Ward Three
Jay Burk, Ward Four
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
 Doug Wells, Ward Eight

ABSENT: Robert Shanklin, Ward Five

PRESENTATION OF AWARDS TO THE CITY OF LAWTON AND WATER AND WASTEWATER STAFF FROM THE OKLAHOMA WATER AND POLLUTION CONTROL ASSOCIATION (OWPCA).

Jerry Ihler, Public Works Director stated the OWPCA recognizes special operators and plants that do an excellent job as far as treating water and wastewater. He recognized Linda Neal as Best Lab Technician and Mike Davis as Newcomer of the Year. He also recognized the Southeast Water Treatment plant for receiving the Large Plant of the Year Award. Aksana Jabbar, Water/Wastewater Assistant Director and Herman Arrango, Plant Line Supervisor were in attendance representing the SE Water Treatment Plant staff.

PRESENTATION OF POLLUTION PREVENTION SLOGAN CONTEST WINNERS

Cynthia Williams, Wastewater Treatment Plant Superintendent, recognized the slogan winners for the pollution prevention slogan contest. The contest was established to remind citizens that everything we do can either positively or negatively impact our environment. They received over 360 entries. The winners were: Heather Tate (Kindergarten 5th grade), Jayless Wheedenberg (6th 8th grade), McKenzie Burk (9th 12th grade) and David Frost (adult division). She stated the overall winner was McKenzie Burk for her slogan which was Be a star use the triple R, Reduce, Reuse and Recycle.

AUDIENCE PARTICIPATION: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF NOVEMBER 3, 2009.

MOVED by Shoemate, SECOND by Hanna, to approve the minutes of Lawton City Council for November 3, 2009. AYE: Zarle, Haywood, Wells, Shoemate, Hanna, Drewry, Burk. NAY: None. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

MOVED by Drewry, SECOND by Hanna, to approve the Consent Agenda. AYE: Haywood, Wells, Shoemate, Hanna, Drewry, Burk, Zarle. NAY: None. MOTION CARRIED.

1. Consider approving an Amendment to the Outside Water Sales Contract with East 75th Street Water Association, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Amendment is on file in the City Clerk's Office.
2. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in directing our third party administrator to make payment on the judgment in the Workers' Compensation case of Robert Puccino in the Workers' Compensation Court, Case No. 2008-02821H. Exhibits: **Resolution No. 2009-123.**
3. Consider adopting a resolution approving the settlement by a joint petition and making payment in the pending workers' compensation claim of William Looney. Exhibits: **Resolution No. 2009-124.**
4. Consider approving the 2010 Notice of Meeting Schedule for Lawton City Council Meetings and Resolution 09-__ rescheduling the second regularly scheduled meeting in December 2010. Exhibits: 2010 Notice of Meeting Schedule for Lawton City Council; **Resolution No. 09-125.**
5. Consider appropriating \$41,000 from the Fire Department's Training Fund (Fund 079), into the appropriate Fire Department accounts with which to fund the needed equipment and uniforms for the new firefighter positions added into the department's budget in FY 09-10. Exhibits: None.
6. Consider approving a public safety improvement cost sharing application submitted by the Lawton Country Club at 4601 W. Gore Blvd., for installation of a 12" water line extension expense, in accordance with Council Policy 6-4. Exhibits: Application available for review in City Clerk's Office. Exhibit: Application available for review in City Clerk's Office.
7. Consider accepting the Medicine Park Water Treatment Plant Water Storage Tank Project #2008-13 as constructed by Preload Inc. and placing the Maintenance Bond into effect. Exhibits: None.
8. Consider approving Change Order #1 for the 2008 CIP Residential Streets Phases 1 & 2 Project #2009-1 with Rudy Construction, Co. Exhibits: None.
9. Consider accepting permanent easements from June Barrington a/k/a Billye June Barrington & Mary Sue Silk, Charles Anthony Benke and Commissioners of the Land Office needed for the South Wolf Creek Trunk Expansion #1 Project # 07-2SSES, authorizing the Mayor and City Clerk to execute the easements and authorizing payments for same as listed below. Exhibits: Permanent Easements are on file in the City Clerk's office.
10. Consider awarding a contract for the purchase of poly sewer pipe as part of the Sewer Rehab Stimulus Project ORF-09-0015-CW. Exhibits: None.
11. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 95 linear feet of 8-inch PVC water line and all appurtenances to serve Green Terraces West Townhouse Addition, Part 2, located south of West Gore Boulevard, west of SW 69th Street in the NE/4 of Section 32, T2N, R12W, I.M., Comanche County, Oklahoma. Exhibits: Permit to Construct on file in the City Clerk's Office.
12. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 822 linear feet of 8-inch PVC sanitary sewer line and all appurtenances to serve Buffalo Bob's RV Park located at 1420 SE Tower Road in the NE/4 of Section 4, T1N, R11W, I.M., Comanche County, Oklahoma. Exhibits: Permit to Construct on file in the City Clerk's Office.
13. Consider awarding (CL10-019) Pest Control Services from Advanced Pest & Termite Service of Sterling, OK. Exhibits: Department recommendation, abstract of bids.
14. Consider extending the contract (CL09-018) Repair clamps, bell joint clamps & steel couplings, items 3-6 and 9 from Powerseal Pipeline Products of Wichita Falls, TX. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
15. Consider approving appointments to boards and commissions. Exhibits: None.

Airport Authority

Toney Stricklin Ed Petersen
17 NW Eagle Mt. Road 8231 NW Stonebridge
Lawton, Oklahoma 73507 Lawton, Oklahoma 73505
Unexpired Term 12/31/11 12/31/2012

David Madigan Dana Davis
4330 NW Cache Road Chamber
Lawton, Oklahoma 73505 629 SW C Avenue
Unexpired Term 12/31/10 Lawton, Oklahoma 73501
12/31/2012
Lee Baxter
3005 NE Muse Circle
Lawton, Oklahoma 73505
12/31/2012

Historic Preservation

Deborah Jones Public Representative
2920 NW Templeton Terrace
Lawton, Oklahoma 73505
01/27/12

Impact Fee Oversight Committee

Doug Wells Janice Drewry - Chair
Councilmember Councilmember

Mayor s Commission On The Status Of Women

Angela Ezell
Ward 8
6124 SW Oak Cliff Avenue
Lawton, Oklahoma 73505
Unexpired Term 06/23/11

16. Consider approval of payroll for the period of November 16 29, 2009.

Mayor Purcell stated that items #19 and #20 will be stricken from the agenda.

OLD BUSINESS

17. Consider awarding (CL10-006) Dispatch Console/Radio Interface to Lawton Communications of Lawton, OK.
Exhibits: Department recommendation, abstract of bids.

Wells stated that he had made a mistake and would make the motion to approve this item.

MOVED by Wells, SECOND by Haywood, to award (CL10-006) Dispatch Console/Radio Interface to Lawton Communications of Lawton, OK. AYE: Wells, Shoemate, Hanna, Drewry, Burk, Zarle, Haywood. NAY: None. MOTION CARRIED.

NEW BUSINESS

18. Consider approving an ordinance amending Section 17-3-4-336, Division 17-3-4, Article 17-3, Chapter 17, Lawton City Code, 2005, by increasing the contribution the City pays into the retirement system for general employees to nine percent (9%), providing for severability, and establishing an effective date of January 1, 2010.
Exhibits: Ordinance No. 2009-____.

Trisha Thomason, Human Resources Director, stated this ordinance will increase the City s contribution to the retirement fund by 1%. She stated this increase was approved in the 2009-2010 budget.

Mitchell stated that staff continues to negotiate with general employees and it is their intent to get an agreement with AFSCME that will require the employees to also contribute into the retirement fund. He feels it is important that both the City and the employees contribute to make sure the retirement program remains viable. He stated they will probably be heading to arbitration sometime in the month of January.

MOVED by Hanna, SECOND by Drewry, to adopt **Ordinance 09-39**, waive the reading of the ordinance, read the title only and establishing an effective date of January 1, 2010. AYE: Shoemate, Hanna, Drewry, Burk, Zarle, Haywood. NAY: None. ABSTAIN: Wells. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 09-39

An ordinance pertaining to personnel polices and procedures amending Section 17-3-4-336 contributions and funding, Division 17-3-4 regular employee retirement system, Article 17-3 retirement and pensions, Chapter 17 personnel polices

and procedures, Lawton City Code, 2005, by amending language to change the city contributions to a maximum of nine percent (9%) providing for severability and establishing an effective date.

19. Consider approving the use of earned interest income collected from the 2005 CIP Program Sales Tax to fund the remaining CJHS Restoration-Phase II building improvements being completed by the general contractor, J. L. Walker. Exhibits: September 25, 2007 Agenda Item Commentary Approving J. L. Walker Contract. May 13, 2008 Agenda Item Commentary Approving J. L. Walker Demo Contract Construction and Progress Chart submitted by Meyer Architecture Plus.

THIS ITEM WAS STRICKEN FROM THE AGENDA.

20. Consider approving Change Order, with J. L. Walker Construction, Inc. for the CJHS Restoration Project, for fire sprinkler improvements required to complete system in accordance with NFPA-13, Par. 8.5.5.3.1, Phase II, and take appropriate action as deemed necessary. Exhibits: AIA Document G701 2001 Change Order 004, Cover letter, JL Walker Construction, dated October 12, 2009 & Recap Sheet. SimplexGrinnel Quotation available for review in City Clerk's Office.

THIS ITEM WAS STRICKEN FROM THE AGENDA.

21. Consider discussing Scissortail Subdivision Project located on Flower Mound Road and the impact of adjacent subdivisions. Exhibits: Letter & Email Correspondence.

Mayor Purcell stated that Councilmember Burk asked that this item be brought back to the City Council, but part of the issue has been resolved and Mr. Waggoner has done a great job on correcting the problem with the entrance. He took down the two obstructions and now all trucks can get through.

Burk stated there are a lot of citizens that are concerned with NE Euclid which is an area that has been affected by construction. He would like to know the plans for that road.

Warren Waggoner, developer for Scissortail Subdivision, stated they sat down with city staff and discussed their ability to have limited access. It was their intent to use that access for a limited amount of activity and leave that entrance open during the day but close the main entrance. He has done spot repairs on that road as directed by public works. He has no problem repairing those areas that are a direct result of his activity. He stated garbage trucks, delivery trucks, etc., use that route, so there is more than just his activity going on with regards to trucks over five tons. He stated with nearly every subdivision under construction in this town, construction equipment goes through residential neighborhoods. They develop front to back. He felt he was going above and beyond by being willing to repair public streets and roads.

Burk stated that entrance was to be used as an emergency access only and now it is being used as a construction entrance. He questioned why this was not brought up during the planning process.

Mr. Waggoner stated when they filed their plat they initially did not have the access road on there, but in accordance to city code they have to have two accesses into a residential subdivision. Because of the storm sewer situation they had at the entrances, it was a lot more work in the beginning phases of Scissortail. They actually built a lot of the subdivision back to front, so they used that entrance for a year and a half as the construction entrance and he did not receive any complaints during that time. Once they did start receiving complaints they tried to move things to the front of the entrance coming around the guard house. He stated phases I and II are primarily complete and at this point they are talking about five or six homes a year. This will be a limited amount of traffic and most of the traffic now can be brought through the main entrance.

Burk questioned if they received a permit to finish the guard house.

Mr. Waggoner stated once he realized the situation he did get a permit. He built the guard house under the subdivision plans and that was his fault. He went to court, paid his fine and received his permit. He stated that since he took the wings off the guard house, he hopes that will address the issue with the height restriction on the guard house.

Mayor Purcell stated Mr. Waggoner now has the capability of taking all of the trucks through the front entrance off of Flower Mound. He does not understand why all the trucks would not go through the front as opposed to going through another neighborhood.

Mr. Waggoner stated if the length from Flower Mound to the guard house is almost 600-700 feet. The road narrows at the guard house and there is room to turn a fire truck but you don't have room to turn an 18-wheeler load full of brick. If there is a delivery once the gate is completed and they don't have a gate code, they will have to back up 700 feet to get out of the entrance. This was designed all along to have a limited amount of access through the secondary street. The intent from day one was to have a certain amount of construction activity as they develop the back end of the subdivision to come through a secondary access.

Mayor Purcell stated if that 18-wheeler has to go through on Euclid, wouldn't that be over the 5-ton limit going through the neighborhood.

Mr. Waggoner stated yes, but it is no heavier than a trash truck, moving van, delivery truck, etc. They are applying this 5-ton ordinance to rectify a situation, but there are countless other subdivisions in Lawton where streets are being torn up.

Mayor Purcell questioned if that was the only issue why they can't go through the front gate? Is it because they may have to turn around?

Mr. Waggoner stated once they develop the first 20-30 lots, it is the homeowners association who will decide if they want to go ahead and complete the gates. It is not his intent to put the gates up anytime soon, he will let the homeowners decide. There will be situations where trucks could come into the gated area in the front, but there could be a situation where a large truck cannot get through because they don't know the access code or can't get a hold of the builder or the owner.

Burk questioned the opinion of city staff.

Bryan Long, Assistant City Manager, stated staff would prefer that each development support its own ingress and egress routes.

Jerry Ihler, Public Works Director, stated he would like to correct a statement that was made. He stated Mr. Waggoner stated that repairs were made with the approval of the public works/streets department. He stated Mr. Waggoner was supposed to contact the street superintendent prior to making any improvements and he did not. A couple of patches were made without any contact with city staff. From staff perspective, the improvements that needed to be made are not complete.

Joe Bailey, 2723 NE Euclid, stated he has multiple concerns. The concrete mixer trucks are in the 8-10 ton range and they can carry as much as 20 tons of mix. That is a 30 ton vehicle traveling down a residential street. He stated serious ripples have occurred since the construction began. There were holes that went all the way down to the soil but those have been repaired. The family that lives on the NW corner told him that they have had friends and relatives parked legally in front of their street and truckers have come and asked them to move their vehicles. This is unacceptable. He stated there are young children in their neighborhood and they have no sidewalks so they end up walking in the street. When the development began they were told that this road would be used for emergency vehicles only.

Shoemate questioned how the neighbors would feel if a delivery truck or moving van used this street.

Mr. Bailey stated if someone is parked on the street, they will not be able to fit down the street.

Blake Dutcher, attorney for Mr. Waggoner, stated they will bring all of the concrete trucks in through the front entrance. They are concerned with the ability to bring in occasional longer trucks that may have difficulty coming in through the main entrance. All of the big construction on the development is done. They are primarily talking about construction material trucks that may come in. There are 70-80 lots that may build out over the next three years. They are asking to have the ability to bring in these sort of trucks on this access road that may have trouble if the gates are shut. He stated on the very first plans Euclid was always intended to be the primary construction entrance. Only then did they learn of the 5 ton limit. They feel they should get the same consideration as the other developers in town. When they met with staff to discuss these issues the City Council took action without full knowledge of the facts to rescind the agreement without notice to him or Mr. Waggoner. They feel a deal is a deal. Part of their agreement is to completely overlay and resurface that street when they are done. They will restrict activity to those times when children will be more likely to be in school. They will agree to limit the access to only those long large trucks that would have difficulty in backing up at the entrance. They would like the City Council to designate Euclid as an alternate truck route and to allow them to utilize this access for those trucks that would have difficulty in the gated entrance.

Drewry questioned if a long truck would have the same trouble turning on Euclid.

Mr. Dutcher stated Euclid and 28th Street is a straight shot into the development and they would not anticipate the same amount of difficulty if they had to back out. He stated most developments are doing exactly what they are getting dinged for.

Wells questioned why they cannot wait until the gates are up to handle this issue. Until then the long trucks can get in the gated entrance.

Mr. Dutcher stated they could until the gates go up. He stated they are going to have to address that issue at some

point, but they thought they had addressed that with staff and had a resolution. He is concerned they are losing site of that.

Wells stated rather than having the trucks go in the back entrance why don t they wait until the gates are put up and we have a problem. A lot of subdivisions with controlled access will leave the gates open during the day and close them at night.

Mr. Dutcher stated most of the controlled access developments are doing exactly what they are doing, they use a construction entrance to come in through the back in the existing residence. He stated they could wait, but they are going to have to face this problem at some time. He stated that all of those in attendance at the meeting thought this issue had been resolved.

Mayor Purcell stated that if the gates are not there, the trucks are going to get through. He questioned why they would need to use the access off Euclid if you can get through the front gate.

Mr. Dutcher stated Euclid is a more efficient access because it is a shorter distance with wider roads to the construction area. He stated it is much more difficult for longer trucks to navigate through the front entrance.

Burk stated he feels that they just don t want to go through the front entrance and tear up their roads. He stated there are a lot of developers doing this same thing, going out and building things without permits and then coming to the City Council and wanting us to do something about it. He stated this Council has had it. They don t allow residents to do this, they have to tear out what they have been doing and stop their permit. This had been dragging out for months. It had to have been August or September when they met out at the sight. If there was an agreement, none of them knew about it. People on that road are angry and have been inconvenienced and he feels that enough is enough. They were told that Euclid was not going to be used as a construction entrance.

Jensen stated it was an emergency access only on the plan.

Mr. Dutcher stated after Councilmember Burk met with Mr. Waggoner, they had a meeting with city staff to address these issues and they thought they were entering into an agreement that would allow them to access and utilize that road which lessened the importance of a bypass road. The agreement they reached set specific parameters that addressed these issues.

Burk stated he remembers when the Council approved the plat because he had citizens questioning if that road was going to be used, and the answer at that time was no.

Mr. Dutcher stated it was identified as an emergency access but that was not their intention to limit that access to just an emergency access.

Burk questioned why they just didn t say that in the beginning.

Mr. Waggoner stated he was not in attendance when it was approved.

Burk stated he is sure someone stood there and told the Council that this was what was going to happen. He remembers that conversation. He stated he has nothing against the subdivision, it is beautiful.

Mr. Waggoner stated he will honor the 5-ton limit and make his subdivision work. He is not here to tear up streets and roads or jeopardize a safety issue. He spends anywhere from \$15-20 million a year in land development in Lawton. It just makes sense to be able to have a certain amount of access.

Burk stated he feels things would be different if they had just known in the beginning that Euclid would be used as a construction entrance.

Mr. Waggoner stated that may have been a mistake on everyone s part, but they did operate under that entrance for well over a year and when this became an issue they were willing to sit down with staff and work out an agreement. He stated he has built hundreds of projects in this town and this is the first time he has not pulled a permit.

Mayor Purcell questioned how long it would be with trucks using that road. Will it be six months or three years?

Mr. Waggoner stated at this point most of the construction is complete. They are taking about truck traffic only every two weeks or once a month. This will be a very limited amount of traffic.

Mayor Purcell questioned is there was a time frame in mind to finish the whole development.

Mr. Waggoner stated he is hoping it will be completed in 3 years. These are large lots and they will not sell

quickly. He stated he will bring everything in through the front entrance at this point and realistically that will be in the next year.

Wells stated that if by code you have to have two entrances into every subdivision, then the Euclid entrance will never close.

Mayor Purcell stated Mr. Waggoner mentioned that there will be another entrance one block down.

Shoemate stated the City is not receiving a lot of money to repair streets and he wants to prevent our streets from being torn up. He stated the street should also be fixed to our standards.

Bryan Long, Assistant City Manager, stated as this issue came up with the residents on Euclid, he shared with the City Council that there was a tentative agreement in place. He stated that was always subject to Council approval. He stated under no circumstances did he represent that he operated under the full force of the authority of the City Council. He stated it really is the big picture they are talking about and the rapid growth rate that the community is experiencing and the volume of dollars it will take to repair each of these subdivision entrances. He does appreciate that this developer has stepped up to do the right thing, but it is a code requirement. All developers should consider the best thing for this community.

Jensen stated this is not an action item, but staff does need some direction.

Burk stated he would like to see them only use the main entrance as the construction entrance.

Mayor Purcell stated that this will close the Euclid entrance to all construction traffic and all of the traffic will have to go through the main gate. He stated staff can bring back an agreement at the next meeting.

Jensen stated there is a requirement to repair the road. He spoke with Mr. Ihler as to whether the repair work was sufficient and staff felt in one area it was not sufficient. He stated they will enforce the code section on these repairs. He feels there is no need for an agreement unless the City Council is going to allow them to use Euclid as an access.

Mayor Purcell questioned if it was the consensus of the Council that Mr. Waggoner can no longer use the Euclid entrance because it would be in violation without an agreement and the City will enforce the provision to repair the street.

The City Council agreed.

Mr. Dutcher stated he is hearing that the City Council wishes to close the access to all vehicles that would exceed 5 tons.

Jensen stated that it is our position that Euclid should be used as an emergency access only.

Mr. Dutcher stated their position is that there is nothing that restricts it to emergency access only. The citations they have been threatened with and issued were for the 5 ton limitation.

Jensen stated they will produce the documentation that this is for an emergency access only. They can agree or not agree.

Mayor Purcell stated that they are telling Mr. Waggoner that he can no longer use that access for any of his construction vehicles.

Mr. Dutcher stated it would be for any traffic.

Mayor Purcell stated there is no local traffic.

Mr. Dutcher stated there is local traffic. There are three homeowners that live on Flower Mound that use that entrance.

Mayor Purcell stated they have plenty of room to access their property.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Hanna reminded everyone to get out and vote on December 8th.

Shoemate stated he received an email from the Comanche County Health Department notifying him that the H1N1 vaccine is available on Monday through Friday from 8:00 a.m. to 5:00 p.m.

COL Lacey thanked all of the council members and Mayor who have attended the deployment and redeployment of soldiers at Fort Sill. He thanked the community for their support in welcoming the soldiers from Singapore.

Mayor Purcell stated the census is coming up and he encouraged everyone to fill out the form. It is critical in getting support for various activities for low/moderate income families. They should be mailed out by March 15th and need to be returned April 1st.

Mitchell reported there will be a candidate s forum on Thursday, December 3rd at 6:00 p.m. in the Council Chambers. He stated on Friday, December 11th at 10:30 a.m. there will be an open house at the Old Lawton High School.

The Mayor and Council convened in executive session at 7:27 p.m. and reconvened in regular, open session at 7:39 p.m. Roll call reflected all members present.

ADDENDUM:

1. Consider adopting a resolution ratifying the actions of the City Attorney in filing and making payment of the judgment in the Workers' Compensation case of David Schucker in the Workers' Compensation Court, Case No. 2009-01645Q. Exhibit: Resolution No. 2009-

Mayor Purcell read the title of the addendum.

MOVED by Wells, SECOND by Haywood, to approve Resolution 09-126 ratifying the actions of the City Attorney in filing and making payment of the judgment in the Workers' Compensation case of David Schucker in the Workers' Compensation Court, Case No. 2009-01645Q. AYE: Burk, Zarle, Haywood, Wells, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

22. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the status of the case before the Federal District Court for Western District of Oklahoma, titled Shelli Fox v. City of Lawton, and take appropriate action in open session. Exhibits: None.

Jensen read the title of item 22.

MOVED by Wells, SECOND by Hanna, to approve an economic settlement in the amount of \$4,000 including attorney fees and costs and authorize the City Attorney to prepare and the Mayor to sign the documents necessary to effectuate the settlement. AYE: Drewry, Burk, Zarle, Haywood, Wells, Shoemate, Hanna. NAY: None. MOTION CARRIED.

23. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the Employment Agreement of Frank V. Jensen as City Attorney, and in open session take action as necessary. Exhibits: None.

Mayor Purcell read the title of item 23. He stated the results of that discussion were that the City Attorney is doing an outstanding job and everyone is happy with his performance. The City Council wishes Mr. Jensen to continue as the City Attorney with a new salary of \$110,000 per year.

MOVED by Haywood, SECOND by Drewry, to approve a new employment agreement with an annual salary of \$110,000. AYE: Burk, Zarle, Haywood, Wells, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 7:43 p.m. upon motion, second and roll call vote.

/s/ John P. Purcell, Jr.
JOHN P. PURCELL, JR., MAYOR
ATTEST:
/s/ Traci Hushbeck
TRACI HUSHBECK, CITY CLERK